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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,083	01/28/2002	Shell S. Simpson	10008202 -1	3244

7590 12/21/2005

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EXAMINER

ENG, DAVID Y

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/059,083	SIMPSON ET AL.
	Examiner	Art Unit
	DAVID Y. ENG	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 October 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

The pending claims are 1-24.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-8, 10-11, 13-17, 19-24 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kraslavsky (USP 5,613,160).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kraslavsky (USP 5,613,160) in view of Fillon (USP 5,778,183).

Claims 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraslavsky (USP 5,613,160) and Fillon (USP 5,778,183) further in view of Smyk (USP 5,751,961)

Details of the rejections have already been set forth in the last Office action. The details are incorporated herein by reference thereto.

In the communication filed on 10/6/2005, Applicants admit (bottom of page 8) that Kraslavsky teaches transmitting status data or messages to a remote destination. Applicants further concede that Table 8 in Kraslavsky is a list of status conditions (top of page 9). Applicants argue for patentability that the status in Table 8 are not a set of predetermined conditions as recited in claim 1. The Examiner disagrees. Claim 1 broadly recites a single step, the step of transmitting a message to a remote destination when each of a set of predetermined conditions exist, the predetermined conditions include: a device encounters an event while processing a job; and the job meets a predetermined criterion. The claim does not preclude those are the only conditions nor the claim specifies what the event is, what the job is or what the predetermined criterion

is. The claim does not recite step for detecting happening of a specific event nor the claim recite at what time with respect to the event the message is transmitted. The only precondition for the message to be transmitted is the existence of an event. Given its broadest interpretation, the claim recites nothing but a step of transmitting a message to a remote destination when a condition or event exists. In Kraslavsky, the status are transmitted to a remote destination when the time is at midnight (existence of precondition, column 17, lines 5-8). In lines 4-14 of column 16, Kraslavsky further teaches transmitting a failure indication to a remote destination when POST fails. No improvement, inventive concept or patentable subject matter is seen when the claims are compared to Kraslavsky.

With respect to the remarks directed to claim 10, note that Kraslavsky teaches transmitting of a message over a network. IP address is well known in network communication.

With respect to the remarks directed to claim 15, see step S15 in Figure 5B. In Kraslavsky, the received document is determined whether it is LAN data. If it is, a print job is created. See B in figure 5C. Applicants failed to provide argument as to why the feature is patentable over Kraslavsky. Merely set forth what the claims require is not sufficient. *In re Nielson*, 816 F.2d 1567, 2 USPQ 1525 (Fed. Cir. 1987). The court held that simply pointing out what a claim requires with no attempt to point out how the claims patentably distinguish over the prior art does not amount to a separate argument for patentability. Applicants are requested to identify the support in the specification.

With respect to the remarks directed to claim 19, see "Copy Number of copies of each page to be printed" in Table 3.

Applicant's arguments filed 10/6/2005 have been fully considered but they are not persuasive.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



DAVID Y. ENG
PRIMARY EXAMINER